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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 JULIE DALESSIO,)
9 Plaintiff,) CASE NO. C17-0642RSM
10 v.)
11 THE UNIVERSITY OF WASHINGTON,) ORDER DENYING MOTION TO
12 Defendant.) APPOINT COUNSEL
13)
14)

15 This matter comes before the Court on Plaintiff's Motion to Appoint Counsel. Dkt. #8.
16 Plaintiff asks the Court to appoint counsel in this case on the bases that: 1) she received
17 referrals to attorneys who were "not competent" for this type of case; 2) attempts to engage an
18 attorney by phone or internet contact were not successful; and 3) over the past six months she
19 has contacted more than 30 attorneys and none of them have accepted her case. *Id.* Plaintiff
20 has not been granted leave to proceed *in forma pauperis* in this matter. *Id.* The Complaint was
21 removed to this Court on April 24, 2017, and Defendant has appeared through its counsel. *See*
22 Dkt. #1. Although it is not typical for defendants to respond to these types of applications for
23 appointment of counsel, Defendant has opposed the motion, and argues that the Court should
24 deny the request because Plaintiff's claims are likely to be denied on the merits. Dkt. #11.
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27 In civil cases, the appointment of counsel to a *pro se* litigant "is a privilege and not a
28 right." *United States ex. Rel. Gardner v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965) (citation

1 omitted). “Appointment of counsel should be allowed only in exceptional cases.” *Id.* (citing
2 *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963)). A court must consider together “both the
3 likelihood of success on the merits and the ability of the petitioner to articulate his claims *pro*
4 *se* in light of the complexity of the legal issues involved.” *Weygandt v. Look*, 718 F.2d 952,
5 954 (9th Cir. 1983). Even where the claim is not frivolous, counsel is often unwarranted where
6 the litigant’s chances of success are extremely slim. *See Mars v. Hanberry*, 752 F.2d 254, 256
7 (6th Cir. 1985).
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9 At this early stage of the litigation, the Court cannot find that Plaintiff is entitled to
10 appointment of counsel. It does not yet appear that any exceptional circumstances exist, and
11 there is no record before the Court that would allow the Court to examine whether Plaintiff’s
12 claims appear to have merit. In addition, Title VII does not provide an automatic right to
13 counsel for employment discrimination claims. *See* 42 U.S.C. § 2000e-5(f)(1).
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15 Accordingly, the Court hereby finds and ORDERS that Plaintiff’s Motion to Appoint
16 Counsel (Dkt. #8) is DENIED without prejudice. This Order does not preclude Plaintiff from
17 re-filing her Motion once a factual record pertaining to her claims has been more fully
18 developed.
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20 DATED this 31 day of May, 2017.

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23 RICARDO S. MARTINEZ
24 CHIEF UNITED STATES DISTRICT JUDGE
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